

# United States District Court

SOUTHERN

NEW YORK

DISTRICT OF

SEPHORA USA, INC.

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

GILBERT EXPRESS, INC.,  
GILBERT LOGISTICS,  
TARGET INTERMODAL SYSTEMS, INC. and  
OANH NGOC NGUYEN d/b/a T & T TRANSPORT

06 CV 4121

TO: (Name and address of defendant)

- 1) Gilbert Express, Inc.  
330 South Stiles Street  
Linden, New Jersey 07036
- 3) Target Intermodal Systems, Inc.  
33A New York City Terminal Market  
Bronx, New York 10474

- 2) Gilbert Logistics,  
330 South Stiles Street,  
Linden, New Jersey 07036
- 4) Oanh Ngoc Nguyen d/b/a T & T Transport  
7496 Apple Blossom Court  
Highland, California 92346

JUDGE SWEET

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

McDERMOTT & RADZIK, LLP  
Wall Street Plaza  
88 Pine Street - 21<sup>st</sup> Floor  
New York, New York 10005-1801  
(212) 376-6400  
Our File No.: GM-06-3547 JJR

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

*Marcos Quintero*

(BY) DEPUTY CLERK

MAY 31 2006

DATE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

06 CV 4121

SEPHORA USA, INC.,

Plaintiff,

06 CV 4121

- against -

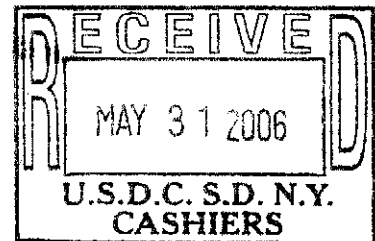
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GILBERT EXPRESS, INC.,  
GILBERT LOGISTICS,  
TARGET INTERMODAL SYSTEMS, INC.  
and OANH NGOC NGUYEN d/b/a T & T  
TRANSPORT,

COMPLAINT

Defendants.



Plaintiff, complaining of the defendants, by its attorneys, McDERMOTT &  
RADZIK, LLP, sets forth and alleges to this Court upon information and belief, as follows:

1. That this is a claim under an Act of Congress regulating commerce with jurisdiction pursuant to 28 U.S.C. §1337 and 49 U.S.C. §14706.
2. At and during all times hereinafter mentioned, plaintiff was and is a corporation formed under the laws of one of the states of the United States, transacts business in the State of New York and has its principal place of business at 525 Market Street, San Francisco, California.
3. At and during the times hereinafter mentioned, defendant Gilbert Express, Inc., was and still is a foreign corporation or other business entity and acted as a common carrier, freight forwarder and/or indirect carrier of merchandise for hire, is authorized to operate in this State, and has an office and place of business at 330 South Stiles Street, Linden, New Jersey 07036.

4. At and during the times hereinafter mentioned, defendant Gilbert Logistics, was and still is a foreign corporation or other business entity and acted as a common carrier, freight forwarder and/or indirect carrier of merchandise for hire, is doing business in this State, and has an office and place of business at 330 South Stiles Street, Linden, New Jersey 07036.

5. At and during the times hereinafter mentioned, defendant Target Intermodal Systems, Inc., was and still is a foreign corporation or other business entity and acted as a common carrier, freight forwarder and/or indirect carrier of merchandise for hire, is authorized to operate in this State, and has an office and place of business at 33A New York City Terminal Market, Bronx, New York 10474.

6. At and during the times hereinafter mentioned, defendant Oanh Ngoc Nguyen d/b/a T & T Transport, was and still is a foreign corporation or other business entity and acted as a common carrier, freight forwarder and/or indirect carrier of merchandise for hire, is authorized to operate in this State, and has an office and place of business at 7496 Apple Blossom Court, Highland, California 92346.

7. That on or about May 12, 2005 at Belcamp, Maryland, there was delivered to defendants, as common carriers, a shipment of 990 packages of beauty products then being in good order and condition, and defendants accepted the shipment so shipped and delivered to them and in consideration of certain agreed freight charges thereupon paid, or agreed to be paid, agreed to transport and carry said shipment to California and there to deliver same in like good order and condition.

8. Defendants failed to deliver any of the 990 packages at destination, in violation of defendants' obligations and duties as common carriers and/or bailees of the cargo.

9. Plaintiff was the shipper, consignee or owner of the aforesaid shipment and brings this action on its own behalf and as agent and trustee on behalf of and for the interest of all parties who may be or become interested in the said shipment, as their respective interests may ultimately appear, and plaintiff is entitled to maintain this action.

10. By reason of said premises, plaintiff has sustained damages in the amount of \$427,319.37 no part of which has been paid, although duly demanded of defendants.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANTS**

11. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 10 as if set forth at length herein.

12. The loss of the said 990 packages of beauty products was due to defendants' breach of contract, negligence, and/or gross negligence.

13. By reason of said premises, plaintiff has sustained damages in the amount of \$427,319.37 no part of which has been paid, although duly demanded of defendants.

**WHEREFORE**, plaintiff prays:

1. That process in due form of law may issue according to the practice of this Court against defendants.

2. That if defendants cannot be found within this District, that all their property within this District be attached in the amount set forth in this Complaint.

3. That judgment be entered in favor of plaintiff against defendants for the amount of plaintiff's damages together with interest, costs and attorneys' fees.

4. That this Court will grant the plaintiff such other and further relief as may be just and proper.

Dated: New York, New York  
May 30, 2006

McDERMOTT & RADZIK, LLP  
Attorneys for Plaintiff

By:



JAMES J. RUDDY (JR-6693)

Wall Street Plaza

88 Pine Street - 21<sup>st</sup> Floor

New York, New York 10005-1801

Ref. No.: GM-06-3547 JJR